UNITED STATES DISTRICT COURT
FOR THE DISRICT OF RHODE ISLAND

1500 MINERAL SPRING ASSOCIATES, LP, et al.

vs. **C.A. No.: 04-496/T**

LOUIS A. GENCARELLI, SR., et al.

1800 MINERAL SPRING ASSOCIATES, LP, et al.

vs. **C.A. No.: 05-09/T**

LOUIS A. GENCARELLI, SR., et al.

1800 MINERAL SPRING ASSOCIATES, LP, et al.

vs. **C.A. No.: 05-10/T**

LOUIS A. GENCARELLI, SR., et al.

Louis A. Gencarelli Sr.'s Amended Notice of Appeal

NOW COMES Appellee, Louis A. Gencarelli, Sr. ("Gencarelli"), by and through counsel, and hereby appeals to the United States Court of Appeals for the First Circuit from that certain Judgment of the United States District Court for the District of Rhode Island, entered on November 9, 2006, pursuant that certain Opinion and Order of the United States District Court for the District of Rhode Island, entered in the above-identified consolidated actions/bankruptcy appeals on November 8, 2006, vacating and remanding the United States Bankruptcy Court for the District of Rhode Island's November 10, 2004 order denying Appellants, 1500 Mineral Spring Associates, LP and

1800 Mineral Spring Associates, LP, by and through their General Partner, Jason's Realty Corp.'s (collectively, the "Appellants") motion to dismiss and vacating and remanding the United States Bankruptcy Court for the District of Rhode Island's September 22, 2004 order fixing the amount that the Appellants are entitled to recover under 11 U.S.C. §502(b)(6), and, further, Gencarelli hereby appeals from said Opinion and Order. *A true and accurate copy of the November 9, 2006 Judgment and November 8, 2006 Opinion and Order, respectively, appealed from are appended hereto.*

The parties to the Judgment and Opinion and Order, respectively, appealed from, and the names and addresses of their respective attorneys are as follows:

Appellants:

1500 Mineral Spring Associates, LP and
1800 Mineral Spring Associates, LP, by
and through their General Partner,
Jason's Realty Corp.

Appellants' Counsel:

Robert D. Wieck, Esq.
Denean M. Russo, Esq.
MacAdams, Wieck, DeLuca
& Gemma, Inc.
101 Dyer Street, Suite 400
Providence, RI 02903
Tel.: (401) 454-8700
Fax.: (401) 454-8755
rwieck@mwdglaw.com
drusso@mwdglaw.com

Appellee:

Louis A. Gencarelli, Sr.

Appellee's Counsel:

Joseph P. Ferrucci, Esq.
Christopher M. Mulhearn, Esq.
Ferrucci Russo, P.C.
55 Pine Street, Fourth Floor
Providence, RI 02903
Tel.: (401) 455-1000
Fax.: (401) 455-7778
jferrucci@frlawri.com
cmulhearn@frlawri.com

Bess Eaton Donut Flour Company

Allan M. Shine, Esq.
Diane Finkle, Esq.
Winograd, Shine & Zacks, P.C.
123 Dyer Street
Providence, RI 02903
Tel.: (401) 272-8300
Fax.: (401) 272-5728
ashine@wszlaw.com
dfinkle@wszlaw.com

Respectfully submitted,

Louis A. Gencarelli, Sr.

By his Attorneys,

/s/ Christopher M. Mulhearn
Joseph P. Ferrucci (#4231)
Christopher M. Mulhearn (#5188)
Ferrucci Russo, P.C.
55 Pine Street, Fourth Floor
Providence, RI 02903
Tel.: (401) 455-1000
Fax.: (401) 455-7778
jferrucci@frlawri.com
cmulhearn@frlawri.com

Dated: December 8, 2006